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U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

STEVEN J. OLESKY

Plaintiff

Case No.

1:10-cv-160
Janet T. Neff
U.S. District Judge

v.

MRC RECEIVABLES CORPORATION

Defendant

COMPLAINT and
JURY DEMAND

I. Introduction.

1. This is an action for damages brought by an individual consumer for defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA") which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. Jurisdiction

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. § 1337. Declaratory relief is available pursuant to 28 U.S.C. § 2201 and 2202. Venue in this district is proper in that the defendant transacts business here and the conduct complained of occurred here.

III. Parties

3. Steven Olesky, plaintiff, is a natural person residing in Grand Rapids, Michigan, in the Western District of Michigan.
4. Defendant MRC Receivables Corporation (MRC) is a Delaware corporation that regularly conducts business within the Western District of Michigan. MRC purchases unpaid debts

after those deaths are in default and attempts to collect such debts by various means, including filing collection lawsuits in the state of Michigan. Defendant MRC Receivables Corp. is a “debt collector” within the meaning of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692a..

IV. Factual Allegations

5. On February 21, 2007 , defendant filed a lawsuit against the plaintiff in the 61st District Court for the state of Michigan in Grand Rapids, Michigan. Defendant alleged that it was the owner of a credit card debt originally owed to Associates.
6. The debt that defendant attempted to collect was incurred primarily for personal, family or household purposes and was a “debt” within the meaning of the FDCPA, 15 U.S.C. § 1692a(5).
7. At the time that defendant filed the lawsuit, the applicable statute of limitations had expired and defendant had no reason to believe that the statute had been tolled.
8. In November, 2007, defendant agreed to dismiss the collection action with prejudice. A stipulation and order to dismiss with prejudice was entered by the 61st District Court on November 26, 2007.
9. On March 3, 2007, defendant filed a second lawsuit against the plaintiff in the 61st District. 61st District Court No 09-GC-1298A copy of the summons and complaint is attached as Exhibit 1.
10. Defendant’s second lawsuit was based on the same Associates account as the previous suit that had been dismissed with prejudice.
11. At the time that defendant filed the second lawsuit, the applicable statute of limitations

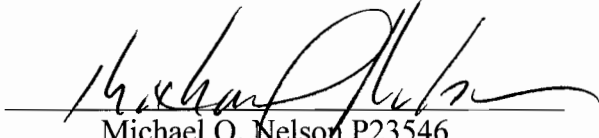
had still expired and defendant had no reason to believe that the statute had been tolled.

12. The second lawsuit was barred by res judicata.
13. Defendant's filing of a time barred suit in attempt to collect a debt was unconscionable and unfair, in violation of 15 U.S.C. § 1692f
14. Defendant's filing of a time barred suit was a false and deceptive representation made in connection with the collection of a debt, in violation of 15 U.S.C. § 1692e.
15. Defendant's filing of a second lawsuit that was barred by res judicata was unconscionable and unfair, in violation of 15 U.S.C. § 1692f and was a false and deceptive representation made in connection with the collection of a debt, in violation of 15 U.S.C. § 1692e.
16. As a result of defendant's violations of the FDCPA described above, plaintiff has incurred legal expenses defending the collection lawsuit as well as lost time and inconvenience.

WHEREFORE, Plaintiff requests:

- A. Statutory damages in the amount of \$1,000 pursuant to 15 U.S.C. §1692k(a)(2).
- B. Actual damages, pursuant to 15 U.S.C. § 1692k(a)(1), in an amount to be determined by the court.
- C. Costs of this action and reasonable attorney fees pursuant to 15 U.S.C. §1692k(a)(3).

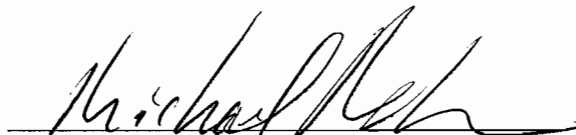
Dated: 2/15/10


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JURY DEMAND

Plaintiff demands a trial by jury.

Dated: 2/18/10


Michael O. Nelson P23546